

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2014 MAR 18 AM 11:39CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY  DEPUTY

CAROLYN BARNES,
PLAINTIFF,

V.

TRAVIS COUNTY SHERIFF'S
DEPARTMENT, ET AL.,
DEFENDANTS.

§
§
§
§
§
§
§

CAUSE NO. 1:12-CV-028-LY

ORDER

Before the court is the above styled and numbered cause filed by Plaintiff *pro se* Carolyn Barnes on January 9, 2012. On February 10, 2014, the court rendered an order that, *inter alia*, provided that Barnes must file an amended complaint not to exceed 30 pages, in a single, concise document complying with Rule 8's pleading requirement, on or before Friday, March 14, 2014. The order also provided that absent the filing of an amended complaint in compliance with Rule 8 by that deadline, the court would dismiss Barnes's claims against all defendants. Also before the court is Barnes's Motion for Copies of Relevant Pleadings and Motion to Extend Time filed February 26, 2014 (Clerk's Doc. No. 49). By her motion, Barnes requests "more time . . . due to her harsh captivity by 'external forces,'" as well as copies of her original 569 page complaint.

In May 2012, the Magistrate Judge first directed Barnes to file an amended complaint on or before May 31, 2012. Barnes requested, and was granted, two extensions of that deadline. On July 16, 2012, Barnes filed a 267-page Third Amended Complaint. Barnes supplemented her complaint with a 248-page "Brief and Heightened Pleadings in Support of Plaintiff's Third Amended Original Complaint," which, along with other supplements, brought the complaint to 569 pages. Due to the voluminous nature of the pleadings, the Magistrate Judge, on January 22, 2013, directed Barnes to

replead her claims in compliance with Rule 8 no later than March 1, 2013. The Magistrate Judge reminded her that failure to follow the court's directive could result in the dismissal of her case. In response, Barnes filed a document titled "Plaintiff's Motion for a More Definite Statement and Due Process Notice of the Exact Reasons the Third Amended Complaint is Defective or Deficient and Motion to Extend Time to Amend after Receipt of Due Process Notice of How the Third Amended Complaint is Not a 'Coherent and Concise Complaint' or How it Violates Fed. R. Civ. P. 8." In his Report and Recommendation rendered April 25, 2013, the Magistrate Judge recommended that this court dismiss with prejudice Barnes's claims against all defendants for failure to comply with a court's order. *See* Fed. R. Civ. P. 41(b) (authorizing a court to dismiss a case for "failure to the plaintiff . . . to comply with the[] federal rule or any order of court.").

On September 30, 2013, to give Barnes ample opportunity to cure the procedural defect, this court vacated its order accepting and adopting the Magistrate Judge's Report and Recommendation, granted Barnes's request for an extension of time to file an amended complaint, and provided that Barnes must file a single, concise document complying with Rule 8's pleading requirement on or before October 23, 2013. Due to returned mail, Barnes requested another extension. On February 10, 2014, the court granted the extension, warning her that this was her "final opportunity to replead her claims in a meaningful fashion." Should she fail to comply, the court would dismiss her complaint with prejudice under Rule 41(b). In her February 26, 2014 response, Barnes concedes she received the court's February 10 order but fails to comply. As of this date, Barnes has not filed an amended complaint. Instead, she asks for another extension. Barnes has, again, failed to comply with Rule 8's pleading requirement and an order of the court.

Having considered the applicable law and the case file, the court concludes that Barnes's claims against all defendants should be dismissed for failure to comply with the court's order. *See* Fed. R. Civ. P. 41(b); *see also Bryson v. United States*, 553 F.3d 402 (5th Cir. 2008). Accordingly,

IT IS HEREBY ORDERED that Plaintiff Barnes's Motion for Copies of Relevant Pleadings and Motion to Extend Time (Clerk's Doc. No. 49) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Barnes's claims alleged against all defendants in this action are **DISMISSED WITH PREJUDICE**.

SIGNED this 18th day of March, 2014.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE